

Entered - 08-07-02 - sb
CL - 02L0553 ALEXIS HOLMES

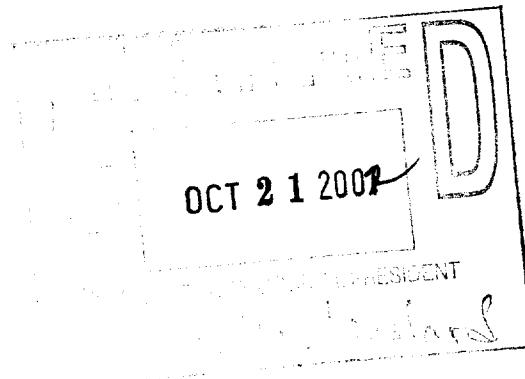
CLAIM OF: **STELLA M. JONES**
1562 Beecher Street, SW
Atlanta, Georgia 30310

02-R-1757

For damages alleged to have been sustained as a result of vehicle damage from a fallen tree on July 23, 2002 at 1562 Beecher Street SW.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
INTERIM CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/15/02

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 23, 2002

Stella M. Jones
1562 Beecher St., SW
Atlanta, GA 30310

02-R-1757

Dear Ms. Jones:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 21, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0553

Date: 10/01/02

Claimant /Victim STELLA M. JONES

BY: (Atty) _____

Address: 1562 Beecher Street, SW Atlanta, Georgia 30310

Subrogation: _____ Claim for Property damage \$ Unspecified Bodily Injury \$ _____

Date of Notice: 07/30/02 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 07/23/02 Place: 1562 Beecher Street

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that she sustained vehicular damages when a tree located in a City right-of-way fell striking the claimant's vehicle. An investigation determined that the City did not have notice of the hazardous condition of the tree prior to the claimant's incident. Therefore, the City is immune from liability as set forth in O.C.G.A. § 36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other _____ Written X Oral X

Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

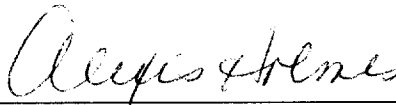
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 10-02-02

Committee Action: _____ Council Action _____

RCS# 4102
10/21/02
2:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-o-1643; 02-O-1795
02-R-1803; 02-R-1729
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT		10/21/02 Council Meeting
AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1368	45. 02-R-1766	48. 02-R-1746
2. 02-O-1710	46. 02-R-1767	49. 02-R-1747
3. 02-O-1674	47. 02-R-1768	50. 02-R-1748
4. 02-O-1645		51. 02-R-1749
5. 02-O-1646		52. 02-R-1750
6. 02-O-1647		53. 02-R-1751
7. 02-O-1648		54. 02-R-1752
8. 02-O-1672		55. 02-R-1753
9. 02-O-1726		56. 02-R-1754
10. 02-O-1728		57. 02-R-1755
11. 02-O-1776		58. 02-R-1756
12. 02-O-1779		59. 02-R-1757
13. 02-O-1781		60. 02-R-1758
14. 02-O-1783		61. 02-R-1759
15. 02-O-1790		62. 02-R-1366
16. 02-O-1791		
17. 02-O-1661		
18. 02-O-1793		
19. 02-O-1584		
20. 02-O-1636		
21. 02-O-1738		
22. 02-R-1776		
23. 02-R-1736		
24. 02-R-1737		
25. 02-R-1745		
26. 02-R-1769		
27. 02-R-1716		
28. 02-R-1740		
29. 02-R-1735		
30. 02-R-1797		
31. 02-R-1800		
32. 02-R-1663		
33. 02-R-1780		
34. 02-R-1802		
35. 02-R-1588		
36. 02-R-1773		
37. 02-R-1787		
38. 02-R-1799		
39. 02-R-1760		
40. 02-R-1761		
41. 02-R-1762		
42. 02-R-1763		
43. 02-R-1764		
44. 02-R-1765		

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729